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23419 7590 03/13/2009 COOLEY GODWARD KRONISH LLP ATTN: Patent Group Suite 1100 777 - 6th Street, NW Washington, DC 20001				
EXAMINER RAPILLO, KRISTINE K				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/820,194

**Applicant(s)**

BEALKE ET AL.

**Examiner**

KRISTINE K. RAPILLO

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 October 2008.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-27 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 06 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/5508)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Notice to Applicant***

1. This communication is in response to the amendment submitted October 14, 2008. Claims 5 and 11 – 15 are amended. Claims 16 through 27 are new. Claims 1 – 27 are presented for examination.

### ***Claim Objections***

2. The objections to claim 5, 11, and 15 are hereby withdrawn based on the amendment submitted October 14, 2008.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 1, 6 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claims 1, 6, and 7, the limitation "if" is a conditional statement without corresponding "else" statements. If these limitations are not performed, then there is no defined process to be performed. The Examiner understands that in these claims, the open conditional language causes these limitations to be omitted.

Processes can be considered as a series of steps to achieve a claimed task. When executing a process, each step is performed. However, upon reaching an "IF-THEN-ELSE" logical block, each TRUE/FALSE option is equally likely. A process step that includes only an "IF-THEN" logical question means that "THEN" result only occurs when the answer is TRUE. An answer equally likely is FALSE and therefore the THEN result will not occur.

The Examiner takes further guidance from the MPEP § 2106(II)C on how to handle these logical blocks. Specifically, "Language that suggests or makes optional but does not require steps to be

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performed or does not limit a claim to a particular structure does not limit the scope of the claim or claim limitation." It is the Examiner's position that when a claimed invention includes a logical block that suggests another choice (FALSE), then the resulting action is not limiting as it may never be performed.

5. Claims 1 – X, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. In regard to claim 1, the following limitations are unclear:

- the term "voucher" is not defined in the specification. For the purpose of examination, it will be treated as a check, since a check is a voucher for cash and can be redeemed for goods and services.
- "the settlement processing entity paying a vendor obligated to redeem the vouch an amount less than the voucher's stated redemption value for the voucher" is unclear. How do you obligate someone to redeem a voucher or check?

7. In regard to claim 2, the limitation "in which the payment of least a portion of the monetary amount to be paid to the claimant on behalf of the other party is in an amount which is less than the monetary amount" is unclear. For the purpose of examination, this limitation will be treated as partial payments.

8. In regard to claim 3, the limitation "in which the payment of at least a portion of the monetary amount is in an amount which is the monetary amount thereafter, a portion thereof is returned to its payor by the settlement processing entity" is very unclear. For the purpose of examination, this limitation will be treated as receiving the settlement money.

9. The 35 USC § 112, second paragraph rejection of claims 12 – 15 is hereby rejected based on the amendment submitted October 14, 2008.

***Claim Rejections - 35 USC § 101***

10. 35 U.S.C. 101 reads as follows:

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Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

11. Claims 1 – 11, 16 – 17, and 25 – 27 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. In order for a method to be considered a "process" under 35 USC § 101, a claimed process must either: (1) be tied to another statutory class (such as a particular apparatus) or (2) transform underlying subject matter (such as an article or materials). *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 53, 70 (1972). If neither of these requirements is met by the claim, the method is not a patent eligible process under 35 USC § 101 and is non-statutory subject matter. With regard to claim 1, the method claimed by the Applicant is not tied to another statutory class as it recites the limitations "a settlement process entity receiving the settlement terms", "the settlement processing entity initiating the transfer", and "the settlement processing entity paying a vendor". The method claimed does not include a particular machine, nor does it transform the data. The method steps recited in the body of claim 1 could reasonably be interpreted to encompass a human being performing these steps. Claims 2 – 11, 16 – 17, and 25 – 27 have similar deficiencies as noted above with regard to claim 1 and therefore are rejected for substantially the same reason.

The above deficiency can be overcome by expressly stating in the body of the claimed method, using a computer (apparatus) or terminal, for example, which makes the claim useful.

12. Claims 20 – 24 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The limitations in claim 20 refer to "modules"; modules are interpreted as software therefore, the claimed invention does not fall into one of the statutory categories: process, machine, manufacture, composition of matter or an improvement thereof. Adding "embodied on a computer readable medium" to the claim language is a suggestion for how to bring these claims into compliance with 35 U.S.C. 101 because a computer executable program tangibly embodied on a computer readable medium is a statutory subject matter.

***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 1 – 8, 11 – 12, 14 – 18, and 20 – 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horn et al., herein after Horn (U.S. Publication Number 2001/0037204 A1), in view of Guyan et al. (U.S. Patent Number 7,406,427), herein after Guyan.

In regard to claim 1 (Original), Horn teaches a method for implementing satisfaction of a settlement of a claim between a claimant and another settling party on agreed to settlement on terms including a monetary amount, comprising:

a settlement processing entity receiving the settlement terms and their acceptance by the claimant and settling party (Figure 41 and paragraph [0105]), including receiving an executed release by claimant of the other settling party (paragraph [0096] where Horn discloses any settlement reaches as a result of the settlement process is considered a binding contract) and a payment of at least a portion of the monetary amount to be paid to the claimant on behalf of the other party (paragraph [0101] where Horn discloses the respondent, or second party, includes credit card information for payment of a claim);

Horn fails to teach a method comprising: the settlement processing entity initiating the transfer to the claimant of at least one voucher having a stated redemption value and, if required, an electronic transfer of settlement funds in an amount such that the total of the voucher redemption value and funds transferred exceeds said monetary amount; and the settlement processing entity paying a vendor obligated to redeem the voucher an amount less than the voucher's stated redemption value for the voucher.

Guyan teaches a method comprising: the settlement processing entity initiating the transfer to the claimant of at least one voucher having a stated redemption value and, if required, an electronic transfer of settlement funds in an amount such that the total of the voucher redemption value and funds transferred exceeds said monetary amount (column 6, line 67 through column 7, line 3; column 10, lines 6 – 26; and column 11, lines 8 – 26); and the settlement processing entity paying a vendor obligated to redeem the voucher an amount less than the voucher's stated redemption value for the voucher (column 8, lines 15 – 25; column 7, lines 25 – 38; column 10, line 35 – 63; and, column 12, lines 48 – 50) where a vendor enters a contract specifying cost discount levels.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a method comprising: the settlement processing entity initiating the transfer to the claimant of at least one voucher having a stated redemption value and, if required, an electronic transfer of settlement funds in an amount such that the total of the voucher redemption value and funds transferred exceeds said monetary amount; and the settlement processing entity paying a vendor obligated to redeem the voucher an amount less than the voucher's stated redemption value for the voucher as taught by Guyan, within the method of Horn, with the motivation of providing a method and system which captures claim identification, vendor selection, and fund transfer using an electronic system (column 10, lines 21 – 32).

In regard to claim 2 (Original), Horn and Guyan teach the method of claim 1. Guyan further teaches a method in which the payment of at least a portion of the monetary amount to be paid to the claimant on behalf of the other party is in an amount which is less than the monetary amount (column 11, lines 8 – 36) where a repetitive payment is less than the monetary amount since it is paid in installments.

The motivation to combine the teachings of Guyan and Horn is discussed in the rejection of claim 1, and incorporated herein.

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In regard to claim 3 (Original), Horn and Guyan teach the method of claim 1. Horn further teaches a method in which the payment of at least a portion of the monetary amount is in an amount which is the monetary amount (paragraph [0101]) thereafter, a portion thereof is returned to its payor by the settlement processing entity.

In regard to claim 4 (Original), Horn and Guyan teach the method of either claim 2 or claim 3. Guyan further teaches a method in which the payment is received by the settlement processing entity after the settlement processing entity makes any required electronic transfer of funds to the claimant (column 6, line 67 through column 7, line 3 and column 10, lines 6 – 20).

The motivation to combine the teachings of Guyan and Horn is discussed in the rejection of claim 1, and incorporated herein.

In regard to claim 5 (Currently Amended), Horn and Guyan teach the method of either claim 1, claim 2, or claim 3. Guyan further teaches a method in which the voucher is electronically transmitted to the claimant (column 6, line 67 through column 7, line 3 and column 10, lines 6 – 20).

The motivation to combine the teachings of Guyan and Horn is discussed in the rejection of claim 1, and incorporated herein.

In regard to claim 6 (Original), Horn teaches a method for implementing satisfaction of a settlement of a monetary claim agreed to by a first party and a second party comprising:

(a) the second party providing a third party with details of the monetary settlement and a source for funding the monetary settlement (paragraphs [0023], [0090], and [0098]). The settlement value selected by the second party is provided to the system of Horn's invention which is equated to the settlement processing entity (or third party);

(b) the third party assigning a claim settlement identification number to the settlement details (Figure 8; paragraphs [0021], [0022], and [0087]);

(c) the third party communicating with the first party to provide the first party with the claim identification number (paragraphs [0021], [0022], and [0087]) and the option to either receive the agreed monetary settlement in full (paragraph [0101]).

Horn fails to teach a method comprising (c) the option to receive at least a part of the monetary settlement in the form of vouchers which can be redeemed for goods and/or services; (d) the first party electing either to receive the agreed monetary settlement in full or to receive at least a part of the monetary settlement in the form of vouchers and informing the third party of the election and if vouchers are elected, the portion of the monetary settlement to be paid in vouchers; and (e) the third party withdrawing funds from the funding source and paying the monetary settlement by transmitting vouchers to the first party and/or transferring funds to the first party, in accordance with the election made by the first party, directly to the first party and/or to an account for the benefit of the first party, as directed by the first party.

Guyan teaches a method comprising (c) the option to receive at least a part of the monetary settlement in the form of vouchers which can be redeemed for goods and/or services (column 6, line 67 through column 7, line 3; column 10, line 6 - 20; and, column 11, line 8 - 26) where the claimant receives checks (i.e. vouchers); (d) the first party electing either to receive the agreed monetary settlement in full or to receive at least a part of the monetary settlement in the form of vouchers (column 11, lines 25 - 37 where Guyan discloses electing single or repetitive payments) and informing the third party of the election and if vouchers are elected, the portion of the monetary settlement to be paid in vouchers (column 11, lines 13 - 37); and (e) the third party withdrawing funds from the funding source and paying the monetary settlement by transmitting vouchers to the first party and/or transferring funds to the first party, in accordance with the election made by the first party, directly to the first party and/or to an account for the benefit of the first party, as directed by the first party (column 11, lines 13 - 37).

The motivation to combine the teachings of Guyan and Horn is discussed in the rejection of claim 1, and incorporated herein.

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In regard to claim 7 (Original), Horn and Guyan teach the method of claim 6. Guyan further teaches a method in which the third party provides the first party with vouchers which, when combined with the amount, if any, of the funds transferred to the first party from the source of funding, exceed the full amount of the monetary settlement (column 6, line 67 through column 7, line 3; column 10, lines 6 – 20; and column 11, lines 8 – 26).

The motivation to combine the teachings of Guyan and Horn is discussed in the rejection of claim 1, and incorporated herein.

In regard to claim 8 (Original), Horn and Guyan teach the method of claim 7. Guyan further teaches a method in which the funds withdrawn by the third party from the funding source are less than the funds transferred to the first party by an amount agreed upon by the first and second parties as a function of the amount of the vouchers (column 6, line 67 through column 7, line 3; column 10, lines 6 – 20; and column 11, lines 8 – 26).

The motivation to combine the teachings of Guyan and Horn is discussed in the rejection of claim 1, and incorporated herein.

In regard to claim 11 (Currently Amended), Horn and Guyan teach the method of either claims 7, 8, 9 or 10. Guyan further teaches a method in which the third party provides a network site through which any vouchers can be redeemed for goods or services, and in which the third party provides the first party with an ability to access to the network site (Figure 1; column 3, lines 46 -56; column 4, lines 15 – 53; column 7, lines 13 – 39; column 8, lines 3 – 14; and, column 9, lines 3 -45).

The motivation to combine the teachings of Horn and Guyan is discussed in the rejection of claim 1, and incorporated herein.

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In regard to claim 12 (Currently Amended), Horn teaches a computer assisted method for implementing satisfaction of an insurance claim in which a total dollar amount for the loss is agreed to be paid as satisfaction in full of the claim in return for the execution of a release, comprising the steps of:

receiving, at a settlement processing entity data system, information associated with the insurance claim, said information provided by a claims representative of an insurance carrier responsible for the claim (paragraph [0090]);

assigning a claim identification number (CIN) to the claim (Figures 8 and 29; paragraphs [0021], [0022], and [0087]);

creating a claim account associated with the CIN, said claim account including said information associated with the insurance claim (Figures 29 and 30; paragraphs [0021], [0022], and [0087]);

providing the CIN to a claims system associated with the carrier (paragraph [0090]);

providing a URL to the claims representative to facilitate access to the claim account (paragraphs [0075], [00143], [0144], and [0145]);

storing the funds in a trust account (paragraph [0133]) where a financial reserve holds funds for insurers;

providing the CIN to the claims representative (Figure 8; paragraphs [0021], [0022], [0087], and [0098]);

providing an interface for facilitating claimant access to the information associated with the claim (Figures 8 and 13; paragraphs [0021], [0022], [0087], and [0098]);

receiving, from the claimant, verification information (Figures 8 and 13; paragraphs [0021], [0022], [0080], [0087], and [0098]);

providing, responsive to the verification information, access to information regarding forms of settlement associated with the claim, said information (Figures 8 and 13; paragraphs [0021], [0022], [0080], [0087], and [0098]) including:

providing the claimant with a form of a release for electronic execution (paragraph [0096]) where Horn discloses the acceptance of a settlement is a binding contract which will release the funds of the settlement;

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receiving an executed release from the claimant (paragraph [0096]); and

Horn fails to teach a method comprising the steps of: providing the CIN to the claims representative; receiving, from the carrier, funds in an amount equal to the loss amount; information regarding forms of payment including checks, fund transfers and vouchers; information regarding affiliated vendors providing goods and services associated with the vouchers; receiving a selection of the form of settlement from the claimant; and, disbursing settlement payment to the claimant in accordance with the selection of the form of settlement from the claimant.

Guyan teaches a method comprising the steps of: receiving, from the carrier, funds in an amount equal to the loss amount (column 6, lines 34 – 51 and column 11, lines 13 – 24); information regarding forms of payment including checks, fund transfers and vouchers (column 6, line 67 through column 7, line 3); and information regarding affiliated vendors providing goods and services associated with the vouchers (Figure 11 and column 12, lines 34 – 47);

receiving a selection of the form of settlement from the claimant (column 6, line 67 through column 7, line 3; column 10, line 6 – 32; and column 11, lines 8 - 9); and,

disbursing settlement payment to the claimant in accordance with the selection of the form of settlement from the claimant (column 6, line 67 through column 7, line 3; column 10, line 6 – 20; and column 11, lines 8 - 9).

The motivation to combine the teachings of Horn and Guyan is discussed in the rejection of claim 1, and incorporated herein.

In regard to claim 14 (Currently Amended), Horn and Guyan teach the method of either claim 12 or claim 13. Horn teaches a method further including: tracking the settlement payment provided to claimant (paragraphs [0083] and [0128]); and notifying the claimant electronically when the settlement payment has been fully disbursed (Figure 34; paragraph [0020], [0026], [0027], and [0030]).

In regard to claim 15 (Currently Amended), Horn and Guyan teach the method of either claim 12 or claim 13. Horn teaches a method further including: deactivating the CIN (paragraph [0027]); and

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closing the claim account (paragraph [0027]) where Horn discloses that the claimant has the opportunity to withdraw his/her claim, thus deactivating or closing the account. In addition, Horn discloses that the claim is withdrawn if a settlement is not reached within one year.

In regard to claim 16 (New), Horn and Guyan teach the method of claim 2. Guyan further teaches a method in which the payment is received by the settlement processing entity after the settlement processing entity makes any required electronic transfer of funds to the claimant and in which the voucher is electronically transmitted to the claimant (column 6, line 52 through column 7, line 3 and column 10, lines 6 – 20).

The motivation to combine the teachings of Horn and Guyan is discussed in the rejection of claim 1, and incorporated herein.

In regard to claim 17 (New), Horn and Guyan teach the method of claim 3. Guyan further teaches a method in which the payment is received by the settlement processing entity after the settlement processing entity makes any required electronic transfer of funds to the claimant and in which the voucher is electronically transmitted to the claimant (column 6, line 52 through column 7, line 3 and column 10, lines 6 – 20).

The motivation to combine the teachings of Horn and Guyan is discussed in the rejection of claim 1, and incorporated herein.

In regard to claim 18 (New), Horn and Guyan teach the method of claim 12. Horn teaches a method further including: tracking the settlement payment provided to claimant (paragraphs [0083] and [0128]); notifying the claimant electronically when the settlement payment has been fully disbursed (Figure 34; paragraphs [0020], and [0026]); deactivating the CIN (paragraph [0027]); and closing the claim account (paragraph [0027]).

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In regard to claim 20 (New), Horn teaches a system for computer facilitated claims settlement processing comprising:

- a first interface (paragraph [0077]) configured to receive, from an insurance carrier's claim system, information regarding a first claim submitted by a first claimant, including a monetary settlement amount (paragraphs [0021] and [0064])

- a memory configured to store said information regarding said first claim (Figure 5A; paragraphs [0161], [0162], [0168], [0169], and [0170]);

- a processing module (paragraphs [0161], [0162], [0163], and [0164]) configured to:
  - assign a claim identification number (CIN) to the first claim (Figures 8 and 29; paragraphs [0021], [0022], and [0087]);

- provide the CIN and a URL to a claims representative associated with the insurance carrier; and facilitate transfer of funds from the insurance carrier to a trust account maintained by the system (paragraphs [0075], [0090], [0143], [0144], and [0145]); and

- a second interface (paragraphs [0077], [0090], [0141], [0143], [0161], [0162], [0163], [0164], and [0169]) configured to:

- provide the claimant or a representative of the claimant with the CIN and URL (Figure 8; paragraphs [0021], [0022], [0075], [0087], [0098], [0143], [0144], [0145]); and,

- receive, from the claimant, an electronic claim release (paragraph [0096]).

Horn fails to teach a system comprising a second interface configured to: provide the claimant or a representative of the claimant with access to the system to receive information associated with the claim, including information regarding the monetary settlement amount and one or more vouchers to be provided in partial settlement of said claim.

Guyan teaches a system comprising a second interface configured to: provide the claimant or a representative of the claimant with access to the system to receive information associated with the claim, including information regarding the monetary settlement amount and one or more vouchers to be provided in partial settlement of said claim (column 7, line 53 through column 8, line 14).

The motivation to combine the teachings of Horn and Guyan is discussed in the rejection of claim 1, and incorporated herein.

In regard to claim 21 (New), Horn and Guyan teach the system of claim 20. Horn further teaches a system comprising a claim settlement module with an electronic release (paragraph [0096]). Horn fails to teach a system configured to provide a settlement check to the claimant or the claimant's representative, said settlement check provided responsive to receipt at the system of said electronic claim release.

Guyan teaches a system configured to provide a settlement check to the claimant or the claimant's representative, said settlement check provided responsive to receipt at the system of said electronic claim release (column 11, lines 25 - 37).

The motivation to combine the teachings of Horn and Guyan is discussed in the rejection of claim 1, and incorporated herein.

In regard to claim 22 (New), Horn and Guyan teach the system of claim 20. Horn further teaches a system comprising a claim settlement module with an electronic release (paragraph [0096]). Horn fails to teach a system configured to provide one or more vouchers to the claimant or the claimant's representative, said one or more vouchers provided responsive to receipt at the system of said electronic claim release.

Guyan teaches a system configured to provide one or more vouchers to the claimant or the claimant's representative, said one or more vouchers provided responsive to receipt at the system of said electronic claim release (column 11, lines 25 - 37).

The motivation to combine the teachings of Horn and Guyan is discussed in the rejection of claim 1, and incorporated herein.

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In regard to claim 23 (New), Horn and Guyan teach the system of claim 21. Horn further teaches an electronic claim release (paragraph [0096]). Horn fails to teach a system wherein the claim settlement module is further configured to provide one or more vouchers to the claimant or claimant's representative in partial settlement of the claim, said vouchers provided responsive to receipt at the system of said electronic claim release.

Guyan teaches a system wherein the claim settlement module is further configured to provide one or more vouchers to the claimant or claimant's representative in partial settlement of the claim, said vouchers provided responsive to receipt at the system of said electronic claim release (column 11, lines 25 - 37).

The motivation to combine the teachings of Horn and Guyan is discussed in the rejection of claim 1, and incorporated herein.

In regard to claim 24 (New), Horn and Guyan teach the system of claim 21. Guyan further teaches a system wherein the combination of the value of the settlement check and the stated redemption value of said vouchers is greater than the monetary amount (column 6, line 67 through column 7, line 3; column 10, line 6 - 20; and column 11, lines 8 - 26).

The motivation to combine the teachings of Horn and Guyan is discussed in the rejection of claim 1, and incorporated herein.

15. Claims 9 - 10, 13, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horn et al., herein after Horn (U.S. Publication Number 2001/0037204) in view of Guyan et al., herein after Guyan (U.S. Patent Number 7,406,427) further in view of Gittans et al., herein after Gittans (U.S. Publication Number 2002/0077867).

In regard to claim 9 (Original), Horn and Guyan teach the method of claim 7. Horn and Guyan fail to teach a method in which the third party purchases the vouchers from the suppliers of the goods and/or services at a discount from the face value of the vouchers.

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Gittans teaches a method in which the third party purchases the vouchers from the suppliers of the goods and/or services at a discount from the face value of the vouchers (paragraphs [0297] and [0396]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a method in which the third party purchases the vouchers from the suppliers of the goods and/or services at a discount from the face value of the vouchers as taught by Gittans, within the method of Horn and Guyan, with the motivation providing a cost efficient and timely settlement dispute tool using a computerized system (paragraph [0018]).

In regard to claim 10 (Original), Horn and Guyan teach the method of claim 8. Horn and Guyan fail to teach a method in which the third party purchases the vouchers from the suppliers of the goods and/or services at a discount from the face value of the vouchers.

Gittans teaches a method in which the third party purchases the vouchers from the suppliers of the goods and/or services at a discount from the face value of the vouchers (paragraphs [0297] and [0396]).

The motivation to combine the teachings of Horn, Guyan, and Gittans is discussed in the rejection of claim 9, and incorporated herein.

In regard to claim 13 (Currently Amended), Horn and Guyan teach the method of claim 12. Horn and Guyan fail to teach a method wherein one or more of said vouchers are provided at a discount from face value.

Gittans teaches a method wherein one or more of said vouchers are provided at a discount from face value (paragraphs [0297] and [0396]).

The motivation to combine the teachings of Horn, Guyan, and Gittans is discussed in the rejection of claim 9, and incorporated herein.

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In regard to claim 19 (New), Horn and Guyan teach the method of claim 13. Horn teaches a method further including: tracking the settlement payment provided to claimant (paragraphs [0083] and [0128]); notifying the claimant electronically when the settlement payment has been fully disbursed (Figure 34; paragraphs [0020], [0026]); deactivating the CIN (paragraph [0027]); and closing the claim account (paragraph [0027]).

16. Claims 25 – 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guyan et al., herein after Guyan (U.S. Patent Number 7,406,427) in view of Gittans et al., herein after Gittans (U.S. Publication Number 2002/0077867).

In regard to claim 25 (New), Guyan teaches a method of facilitating settlement of an insurance claim, comprising: receiving, from an insurance company, a first monetary amount associated with the insurance claim, said first monetary amount provided as partial settlement of said insurance claim (column 11, lines 25 – 37); receiving a plurality of vouchers for one or more goods or services, wherein said vouchers are provided at a discount from a stated redemption value (column 11, lines 25 – 37); providing, to a claimant or a claimant's representative, a second monetary amount in partial settlement of the insurance claim, said second monetary amount being less than said first monetary amount (column 11, lines 25 – 37); and, providing, to the claimant or the claimant's representative, one or more of said vouchers in partial settlement of the insurance claim (column 11, lines 25 – 37).

Guyan fails to teach a method comprising providing a discounted payment for said one or more of said vouchers to one or more venders of said vouchers, wherein the discounted payment reflects said discount from the stated redemption value.

Gittans teaches a method comprising providing a discounted payment for said one or more of said vouchers to one or more venders of said vouchers, wherein the discounted payment reflects said discount from the stated redemption value (paragraphs [0297] and [0396]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a method comprising providing a discounted payment for said one or more

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of said vouchers to one or more venders of said vouchers, wherein the discounted payment reflects said discount from the stated redemption value as taught by Gittans, within the method of Guyan, with the motivation of providing a cost efficient and timely settlement dispute tool using computerized systems (paragraph [0018]).

In regard to claim 26 (New), Guyan and Gittans teach the method of claim 25. Guyan further teaches a method wherein the second monetary amount and the discounted payment are less than said first monetary amount (column 6, line 67 through column 7, line 3; column 10, line 6 – 26; and column 11, lines 8 – 26).

In regard to claim 27 (New), Guyan and Gittans teach the method of claim 26. Guyan further teaches a method wherein the combined value of the second monetary amount and the stated redemption values of said one or more vouchers is greater than the first monetary amount (column 6, line 67 through column 7, line 3; column 10, line 6 – 26; and column 11, lines 8 – 26).

### ***Response to Amendment***

17. Applicant's arguments argument's filed October 14, 2008 have been fully considered but they are not persuasive. Applicant's arguments will be addressed herein below in the order in which they appear in the response filed October 14, 2008.

In response to the Applicant's arguments regarding claims 1 – 16, it is respectfully submitted that the Examiner has applied new prior art; as such, Applicant's remarks with regard to the application of Gittans and Horn are moot with the application of the Guyan reference. In addition, new grounds of rejection were applied to claims 1 – 11, 16 – 17, and 20 – 27.

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***Conclusion***

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to KRISTINE K. RAPILLO whose telephone number is (571)270-3325. The examiner can normally be reached on Monday to Thursday 6:30 am to 4 pm Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Luke Gilligan can be reached on 571-272-6770. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KKR

/Robert Morgan/  
Primary Examiner, Art Unit 3626